

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Proposing rule making related to eliminating the application fee for child support recovery and providing an opportunity for public comment

The Human Services Department hereby proposes to amend Chapter 95, “Collections,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 217.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 252B.4.

Purpose and Summary

This proposed rule making aligns the Department’s rules about child support recovery with recent legislative changes. 2019 Iowa Acts, Senate File 605, amended Iowa Code chapter 252B to eliminate the customer-paid application fee.

Fiscal Impact

2019 Iowa Acts, Senate File 605, also amended Iowa Code chapter 252B to increase the annual fee for nonassistance child support cases. Because the legislation coupled the loss of the application fee with the increase in the annual fee, there is no fiscal impact in these changes.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on December 10, 2019. Comments should be directed to:

Nancy Freudenberg
Iowa Department of Human Services
Hoover State Office Building, Fifth Floor
1305 East Walnut Street
Des Moines, Iowa 50319-0114
Email: appeals@dhs.state.ia.us

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 95.2(4) as follows:

95.2(4) *Application for services.*

~~a.~~ A person who is not on public assistance requesting services under this chapter, except for those persons eligible to receive support services under paragraphs 95.2(2) "*a*," "*b*," and "*c*," shall complete and return Form 470-0188, Application for Nonassistance Support Services, for each parent from whom the person is seeking support.

~~(1)~~ *a.* The application shall be returned to the child support recovery unit serving the county where the person resides. If the person does not live in the state, the application form shall be returned to the county in which the support order is entered or in which the other parent or putative father resides.

~~(2)~~ *b.* The person requesting services has the option to seek support from one or both of the child's parents.

~~b.~~ An individual who is required to complete Form 470-0188, Application for Nonassistance Support Services, shall be charged an application fee in the amount set by statute. The unit shall charge one application fee for each parent from whom support is sought. The unit shall charge the fee at the time of initial application and any subsequent application for services. The individual shall pay the application fee to the local child support recovery unit before services are provided.

ITEM 2. Amend subrule 95.18(3) as follows:

95.18(3) *Reapplication for services.* A person whose services were denied or terminated may reapply for services under this chapter by completing the application process and paying the application fee described in subrule 95.2(4).